

## Notes for defendant (Part 8 claim form)

**Please read these notes carefully - they will help you to decide what to do about this claim.**

- You have 14 days\* from the date on which you were served with the claim form to respond to the claim
- If you **do not return** the acknowledgment of service, you will be allowed to attend any hearing of this claim but you will **not** be allowed to take part in the hearing unless the court gives you permission to do so
- Court staff can tell you about procedures but they cannot give legal advice. If you need legal advice, you should contact a solicitor or Citizens Advice Bureau immediately

### Time for responding

The completed acknowledgment of service must be returned to the court office within \*(14 days) ( ) of the date on which the claim form was served on you.

If the claim form was:

- sent by post, the \*(14 days) ( ) begins 2 business days from the date of the postmark on the envelope.
- delivered or left at your address, the \*(14 days) ( ) begins the second business day after it was delivered.
- handed to you personally, the \*(14 days) ( ) begins on the second business day it was given to you.

### Completing the acknowledgment of service

You should complete sections A - E as appropriate. In **all** cases you must complete sections F and G.

#### Section A - not contesting the claim

If you do **not** wish to contest the remedy sought by the claimant in the claim form, you should complete section A. In some cases the claimant may only be seeking the court's directions as to how to act, rather than seeking a specific order. In these circumstances, if you wish the court to direct the claimant to act in a certain way, give brief details.

#### Section B - contesting the claim

If you do wish to contest the remedy sought by the claimant in the claim form, you should complete section B. If you seek a remedy different from that sought by the claimant, you should give brief details in the space provided.

#### Section C - disputing the court's jurisdiction

You should indicate your intention by completing section C and filing an application disputing the court's jurisdiction within 14 days of filing your acknowledgment of service at the court. The court will arrange a hearing date for the application and tell you and the claimant when and where to attend.

#### Section D - objecting to use of procedure

If you believe that the claimant should not have issued the claim under Part 8 because:

- there **is** a substantial dispute of fact involved; and
- you do not agree that the rule or practice direction stated does provide for the claimant to use this procedure you should complete section D setting out your reasons in the space provided.

#### Section E - written evidence

Complete this section if you wish to rely on written evidence. You must send your written evidence to the court with your acknowledgment of service. It must be verified by a statement of truth or the court may disallow it. If you have agreed with the other party(ies)

an extension of time for filing your written evidence, a copy of your written agreement must be filed with your acknowledgment of service. Please note that the agreement can only extend time by 14 days from the date you file your acknowledgment of service.

#### Claims under section 1 of the Inheritance (Provision for Family and Dependents) Act 1975

A defendant who is a personal representative of the deceased must file and serve written evidence which must state to the best of that person's ability:

- full details of the value of the deceased's net estate, as defined in section 25 of the Act;
- the person or classes of person beneficially interested in the estate, and
  - the names and (unless they are parties to the claim) addresses of all living beneficiaries; and
  - the value of their interests in the estate so far as they are known;
- whether any living beneficiary (and if so, naming him) is a child or protected party within the meaning of Rule 21.1(2); and
- any facts which might affect the exercise of the court's powers under the Act.

#### Section F - name of defendant

Print your full name, or the full name of the defendant on whose behalf you are completing this form.

### Serving other parties

You must send to any other party named on the claim form, copies of both the acknowledgment of service and any written evidence, at the same time as you file them with the court.

### What happens next

The claimant may, within 14 days of receiving any written evidence from you, file further evidence in reply. On receipt of your acknowledgment of service, the court file will be referred to the judge for directions for the disposal of the claim. The court will contact you and tell you what to do next.

### Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a registered company or a corporation the statement must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

*\*For claims under the Inheritance (Provision for Family and Dependents) Act 1975 the period is 21 days.*